

To: Magistrate Judge Hay

From: Shawn C. Sharp #BQ-8429  
1000 Follies Road  
Dallas, Pa. 18612

Date: 9/16/07

Dear Judge Hay:

I am writing regarding some confusion that I am having regarding your pre-trial instructions. I am not understanding what you will allow my witnesses to give testimony to exactly and how you are going to allow me to proceed with the presentation of the one claim that you are permitting me to present.

I would also like to request that I be allowed to call three other witnesses at the very least. They are each DOC employees and would be questioned about incidents directly related to my claims of first amendment violations. They are:

1. Mr. Mahlmeister who was the Unit Manager at SCI Green. I personally reported the fact that the defendant Chaplain Abu Bakr at SCI Green gave a friday sermon which I had seen on television stating that those of my faith were not muslims and didn't even pray in the same direction as his denomination.

2. I also wish to call Captain Coleman (Security Captain at SCI Green) who came to the block after I reported this to Unit Manager Mahlmeister. He reviewed the tapes of the sermon in which he stated the opinion that those of my faith were not muslims and disbelievers during this friday sermon which was again aired on the prison t.v. station after it was requested that they remove this tape and stop airing it since it was inciting hatred and enmity against those of my faith during Ramadhaan. The tape "continued to be aired even after these complaints."

3. Jeffrey A. Beard: I am not certain if you are still permitting him to be named as a defendant. Never the less, I have letters directly from him regarding the policy of the DOC toward those of the muslim community. I have every intention of wanting to present that testimony before the court and these matters will go direct to my First Amendment claims before this court. Again, I will not go outside of the scope of what you are allowing me to present as my claims, but will go to his direct involvement in

"my" requests for religious accommodation. I would also like to enter his correspondences into the record as exhibits of his knowledge of and participation in the matters before this court as confirmation of my claims.

All of the witnesses on my list will be testifying to this and I would like to have them there to give testimony to this fact on the DOC side. I will not be raising issues outside of the scope of what you have limited me to with these witnesses and I think it is important to my First Amendment claims. I don't know the procedure to get this done, but I am bringing it to your attention now. Furthermore, I have exhibits from religious texts which I would like to present regarding what I believe and substantiating the differences in my faith and those of the Wahabi sect. Will I be permitted to present these documents at the trial?

Last, and most important of all, I would clarify for the court that there seems to be some confusion about the faith of this other sect. You keep referring to them as Shiite. This is incorrect! They are not shiite, but a sect of muslims who claim to be sunni just as we do. I think that this needs to be clarified as I don't think that the court understands that just as there are numerous denominations in the Christian religion who all claim to be christian but have very different beliefs, there are those in the Islamic faith who all have diametrically different beliefs and I will be addressing these issues in the presentation of my case. I need to know if you are going to permit me to do this so that the court understands the differences and can evaluate the merits or lack thereof, with full information on what I am raising in my 1st amendment claims.

I am requesting that some type of conference be set up prior to the trial so that I can get clarity on what exactly you will allow me to present and what issues, if any, you are going to allow me to address.

In closing, I would also like to know if you will be allowing me to present evidence regarding the matter of my grooming exemptions. This has become a "major" issue that will also need to be presented before the court under my first amendment claims and I don't want to attempt to prepare what you will not allow me to present. I have documents I would like to submit where they have granted it and have now revoked it. So I would like to have resolution to this issue in your final judgement as it all falls under my original claims.

Thank You,  
Shawn Sharp

cc: file

